

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JAMES FRANCIS CASSANO,

Plaintiff,

v.

No. 12-CV-845  
(MAD/DRH)

RJM ACQUISITIONS LLC; DOES 1-10,  
Inclusive,

Defendants.

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**APPEARANCES:**

JAMES FRANCIS CASSANO  
Plaintiff pro se  
405 Madison Avenue  
Albany, New York 12210

DAVID R. HOMER  
U.S. Magistrate Judge

**REPORT-RECOMMENDATION and ORDER**

By Order of this Court filed May 25, 2012, the application for in forma pauperis status filed by plaintiff James Francis Cassano was denied, and plaintiff was directed to pay the statutory filing fee of \$350.00 in full if he wished to proceed with this action. Dkt. No. 4 (the "May Order"). Plaintiff was afforded thirty (30) days in which to make the required payment.

Although more than two months have elapsed since the May Order, Cassano has not paid the filing fee, nor has he communicated with the Court regarding his intentions in this action. Accordingly, since this action cannot proceed in the absence of Cassano's payment of the filing fee, it is hereby

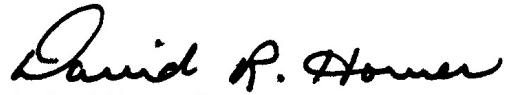
**RECOMMENDED** that this action be dismissed without prejudice pursuant to Fed. R. Civ. P. 16(f)(1)(C) and 37(b)(2)(A)(v) for Cassano's failure to comply with the Court's May order;

and it is hereby

**ORDERED** that the Clerk serve Cassano with a copy of this order by regular mail and by certified mail return receipt requested.

Pursuant to 28 U.S.C. § 636(b)(1), the parties have fourteen days within which to file written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court. **FAILURE TO OBJECT TO THIS REPORT WITHIN FOURTEEN DAYS WILL PRECLUDE APPELLATE REVIEW.** Roldan v. Racette, 984 F.2d 85 (2d Cir. 1993) (citing Small v. Secretary of HHS, 892 F.2d 15 (2d Cir. 1989)); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

Dated: July 27, 2012  
Albany, New York

  
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David R. Homer  
U.S. Magistrate Judge